

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10422 of 2007

Dated: 17-07-2007

Between:

Godavarthi Krishna Mohan

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10422 of 2007

ORDER:

The petitioner is resident of Penikeru Village, Alamuru Mandal, East Godavari District. He purchased small extent of land admeasuring Ac.1.04 in R.S.No.56/3A under a registered sale deed dated 02.04.1968 from one Vytla Pattabhiramaiah. He asserts that the land is not assigned land. Third respondent issued notice on 29.04.2007 in Form II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007(the Rules, for brevity) calling upon the petitioners to submit explanation as to why they should not be dispossessed for contravening the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). The petitioners submitted explanation on 11.05.2007. Nonetheless alleging that on 13.05.2007 third respondent came to their land and threatened to dispossess them even though the matter is pending before him (third respondent), they filed instant writ petition seeking a direction to the respondents to drop all further proceedings pursuant to issuance of notice in Form II.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is of the considered opinion that a writ petition challenging a show-cause notice or a statutory notice issued in accordance with the Rules would not lie. This writ petition is misconceived. Insofar as the allegation made by the petitioners that even before third respondent passed orders, the officials are trying to dispossess them, this Court observes that unless and until third respondent passes orders for resumption of the land, the petitioners' right to enjoy the land if they are in possession cannot be disturbed by any coercive action.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

17th July, 2007
ghn